



Department
for Environment
Food & Rural Affairs

Interim Environmental
Governance Secretariat



Department of
Agriculture, Environment
and Rural Affairs
www.daera-ni.gov.uk

Interim Environmental
Governance Secretariat

The Interim Environmental Governance Secretariat (IEGS): Frequently Asked Questions (FAQs)

December 2020

1. What is the IEGS?

The IEGS is a team of staff working within the Department for Environment, Food and Rural Affairs (Defra) and the Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA). The IEGS provides interim environmental governance from January 2021 until the Office for Environmental Protection (OEP) is established under the Environment Bill and becomes operational.

2. Why was the IEGS established?

The Government had originally intended to set up the OEP by 1 January 2021. However, the Covid-19 pandemic caused a delay to the passage of the Environment Bill through which the OEP is being created. The Government has therefore established the IEGS to provide interim environmental governance until the OEP is operational. The IEGS will support the OEP Chair-designate, Dame Glenys Stacey, and will receive complaints about alleged failures of public authorities to comply with environmental law. It will also monitor progress against the Government's 25 Year Environment Plan, continuing this activity previously undertaken by the Natural Capital Committee, whose term ended on 30 November 2020. As there is currently no equivalent Environmental Improvement Plan in Northern Ireland, the role of IEGS there will be in a complaint handling capacity only.

3. How can I submit a complaint to the IEGS?

You can submit a complaint by visiting our website and completing the complaint form in our online portal, or by asking us to send you the form so you can fill it out and post or email it back to us.

4. What happens when I submit a complaint?

You can find information on how we will handle complaints in our external complaints procedure.

5. What is the geographical scope of the IEGS?

The IEGS can receive complaints of suspected breaches of environmental law by public authorities in relation to England, Northern Ireland and reserved, UK-wide matters.

If you have an issue about environmental law in Scotland please contact Environmental Standards Scotland, whose contact details can be found at www.environmentalstandards.scot.

If your matter relates to Wales please see:

<https://gov.wales/raising-concern-about-functioning-environmental-law>

6. When can I complain about?

You can complain about events occurring at any time, including before the start of the IEGS's operations in January 2021. We will pass your complaint on to the OEP to consider, no matter how long ago any suspected failure to comply with environmental law happened. There is no guarantee, however, that the OEP will investigate your complaint, and it may choose not to prioritise investigations into historic matters.

7. Who can I complain about?

Your complaint should relate to a 'public authority'. The Environment Bill defines a public authority as a person carrying out any function of a public nature, apart from certain bodies which are specifically excluded such as a court or tribunal, or Parliament. Public authorities therefore include central and local government, government agencies and other public sector organisations. They can also include private or third sector organisations, but only if they are carrying out functions of a public nature.

8. What if more than one public authority is involved?

If your complaint relates to more than one public authority, you only need to submit one complaint but should list all the authorities you think are involved.

9. What if my complaint is about a public authority in Northern Ireland, Scotland or Wales?

If your complaint is about a public authority in Northern Ireland, please submit your complaint to the IEGS in the same way as for a matter in England or a reserved issue.

If your complaint is about a public authority in Scotland or Wales, this is outside the scope of the IEGS. You should therefore submit your complaint to the relevant devolved authority according to their own procedures.

10. What can I complain about?

Your complaint must relate to a suspected failure to comply with 'environmental law'. The Environment Bill sets out that this means any legislative provision (other than devolved provisions) to the extent that it is mainly concerned with environmental protection.

Environmental protection means any of the following:

1. protecting the natural environment from the effects of human activity
2. protecting people from the effects of human activity on the natural environment
3. maintaining, restoring or enhancing the natural environment
4. monitoring, assessing, considering, advising or reporting on anything under points (1) to (3).

The natural environment means any of the following:

1. plants, wild animals and other living organisms
2. their habitats
3. land (except buildings or other structures), air, water and the natural systems, cycles and processes through which they interact.

Examples of environmental law include legislative provisions covering:

- air pollution
- water pollution
- contaminated land
- nature conservation
- waste and resource use
- climate change
- environmental assessment and monitoring

We will not consider complaints that don't relate to environmental law since these will fall outside the remit of the OEP. We may, though, be able to advise whether you could complain to a different body.

11. What is an excluded matter?

The Environment Bill lists excluded matters as

- disclosure of or access to information
- the armed forces or national security
- taxation, spending or the allocation of resources within government.

Legislative provisions concerning these topics, whether or not they are also mainly concerned with environmental protection, are therefore excluded from the definition of environmental law and are not topics upon which the OEP will be able to investigate complaints.

12. When can a public authority be said to have failed to comply with environmental law?

Under the Environment Bill this covers two types of conduct by a public authority. First, this is where the public authority unlawfully fails to take proper account of environmental law when exercising its functions – for example if a public authority fails to carry out an environmental impact assessment it is required to do by law. Second, it covers a public authority that unlawfully exercises, or fails to exercise, any function it has under environmental law - for example if an authority responsible for licencing environmentally harmful activities fails to properly licence those activities (such as by applying standards that are less rigorous than the law demands).

13. What type of complaints could be brought to the IEGS?

Please carefully read through our external complaints procedure to find out the type of complaints that could be brought to the IEGS.

14. How do I contact the IEGS?

You can contact us using the following details:

Email: IEGSEnquiries@defra.gov.uk

Phone: 03300 416 581- Our lines are open Monday to Thursday from 8.30am to 5.00pm and Friday from 8.30am to 12pm, except bank holidays. Calls are charged at local or national rates.

Postal address: Interim Environmental Governance Secretariat, Defra, Seacole Building, 2 Marsham Street, London SW1P 4DF.

For issues relating to Northern Ireland

Email: IEGSEnquiries@daera-ni.gov.uk

Phone: As above 03300 416 581 – Details of calls in relation to Northern Ireland issues will be forwarded to staff in Northern Ireland to deal with.

Postal Address: IEGS, c/o Environment Bill Team, 2nd Floor, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA

15. How do I complain about the IEGS?

If you have a complaint about the way we operate or the services we provide, please let us know in writing, by post or email. Our contact details are provided under section 14 above.

We will always try our best to address your complaint, but if we do not do so to your satisfaction, please follow the Defra complaints procedure. Full details can be found at: www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/complaints-procedure.

16. How do I make a Freedom of Information (FOI) or Environmental Information Regulations (EIR) request?

If you wish to request information held by the IEGS please follow the Defra procedure. Full details can be found at: www.gov.uk/government/organisations/department-for-environment-food-rural-affairs.

17. How will the IEGS manage conflicts of interest?

Unlike the OEP, the IEGS is not an independent entity, separate from government, but is a team within Defra and DAERA. We recognize that IEGS handling complaints about UK or Northern Ireland government could therefore give rise to perceptions of conflicts of interest. A number of measures are in place to manage this. The IEGS functions will operate distinctly from other parts of Defra and DAERA. We handle complaints on a standalone IT system only accessible to IEGS team members and we have access to our own independent legal advice. All the complaints we receive, together with our initial assessments of them, will be passed on to the OEP for its independent consideration. We will not be making decisions about whether complaints fall within the OEP's remit, their seriousness or priority for investigation. Nor will we make judgements about whether a public authority has failed to comply with environmental law. These will be matters for the OEP to determine when operational.

18. Is there a charge for submitting a complaint?

No, there is no cost.

19. Do I need a lawyer to help me submit a complaint?

No. The complaint form has been designed to be filled in by anyone.

20. How do I get further clarification about the complaints handling processes and information about the IEGS?

If you still need further information or simply require clarification you can find further help by signing up and logging in to the complaint portal. Or you can email, write to or call us, using our contact details on the IEGS website, and we will be pleased to try to help.